

CITY OF LYNN

Regular City Council Meeting – March 24, 2015 Council President Daniel F. Cahill, Presiding

Eleven Councillors Present

Moment of Silence – Council President Cahill asked that Michael Carroll be remembered.

Pledge of Allegiance

Motion made by Councillor Colucci and seconded by Councillor Capano to accept the Meeting Minutes of March 10, 2015.

Motion carried.

COMMUNICATIONS:

Communication from Her Honor the Mayor:

Dear Councilors, I hereby re-appoint Theresa Hurley to the position of Chief Librarian, subject to City Council approval. Said appointment shall take effect immediately.

Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

Motion made by Councilor Capano and seconded by Councilor Hong to re-appoint Theresa Hurley to the position of Chief Librarian, effective immediately.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Communication from Her Honor the Mayor:

Dear Councilors, I am hereby appointing Mr. Miguel Funez, 6 Bay State Road to the Lynn License Commission. Mr. Funez' term is effective immediately and will expire on June 1, 2020. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn.

Motion made by Councilor Colucci and seconded by Councilor Trahan to appoint Miguel Funez, 6 Bay State Road to the Lynn License Commission, effective immediately and will expire on June 1, 2020.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cyr voted PRESENT).

Council Appointments to the Arts and Cultural Commission:

Motion made by Councilor Colucci and seconded by Councilor Capano to appoint Ms. Jennifer Alder, 7 Central Square, Lynn for a three-year term to the Arts and Cultural Commission.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Colucci and seconded by Councilor Capano to appoint Ms. Shelby Morrison, 37 Central Square, #2, Lynn for a two-year term to the Arts and Cultural Commission.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councilor Colucci and seconded by Councilor Capano to appoint Ms. Doneeca Thurston, 65 Purdon Avenue, Lynn for a one-year term to the Arts and Cultural Commission.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS:

Motion made by Councilor Crighton and seconded by Councilor Colucci to remove from the Public Hearing on An Ordinance Amending a Portion of the Zone Map of the City of Lynn and the Zone Ordinance of the City of Lynn. (Boston Street)

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Cyr voting Present).

Communication from the Planning Board was read into the records.

Motion made by Councilor Crighton and seconded by Councilor Colucci to reopen the Public Hearing.

Motion carried.

Council President Cahill opened the Public Hearing:

No one spoke in Favor.

No one spoke in Opposition.

Public Hearing Closed

Motion made by Councilor Crighton and seconded by Councilor Colucci to grant as amended by the Planning Board:

1. Boston Street Business Zone projects will be reviewed by the Waterfront Site Plan Review Committee. The Waterfront Committee will make recommendations that can be accepted or rejected by the ISD Director. If rejected, the ISD Director will explain his reasons. But, the Committee will only make recommendations that re subject to the approval of the ISD Director in his sound discretion.
2. There is sunset provision in the ordinance. The Ordinance expires on January 31, 2016. It can be readopted. The intent is that everyone can see if these changes re good for the City. If, we are better off under our current system, we will revert back to the current Zone Ordinance which typically requires Council consent.
3. The Ordinance as advertised envisioned all Business Zones in City to be subject to site plan review. These Amendments scale that back to just the newly created Boston Street Business District. Again as a trial to see if it works.
4. No auto sales on Boston Street.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of School of Rock, William Galatis, for permission for a sign permit at 25 Exchange Street.

Motion made by Councilor Cyr and seconded by Councilor Capano to set down for Public Hearing.

Motion carried.

COMMITTEE REPORTS:

Report of the March 24, 2015 Committee on Public Works Sub-Committee/Task Force recommending the following to be accepted:

1. Continued discussion re: Setting Up Procedures and Time Lines for Snow Emergencies.
2. Continued discussion re: Snow Equipment and Plowing

3. **OTHER BUSINESS:**
REPORT ACCEPTED.

Report of the March 24, 2015 Committee on Personnel recommending the following to be accepted:

1. Discussion re: Request from Assessor's Office:
Re: Operations Director Position **(To be referred to Government Administration Committee)**
2. Position Classification
3. **OTHER BUSINESS**

NO MEETING HELD – NO QUORUM

Report of the March 24, 2015 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following action:

Transfer the sum of Thirty Seven Thousand Two Hundred Forty Dollars and Five Cents (\$37,240.05) from the Reserve Account to the Awards & Executions Account.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the sum of Thirty Seven Thousand Two Hundred Forty Dollars and Five Cents (\$37,240.05) from the Reserve Account to the Awards & Executions Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of Thirteen Thousand Three Hundred Forty One Dollars and Zero Cents (\$13,341.00) from the Reserve Account to the Assessors-Payroll Account.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer the sum of Thirteen Thousand Three Hundred Forty One Dollars and Zero Cents (\$13,341.00) from the Reserve Account to the Assessors-Payroll Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of Thirteen Thousand Nine Hundred Ninety Two Dollars and Zero Cents (\$13,992.00) from the Reserve Account to the Comptrollers-Payroll Account.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the sum of Thirteen Thousand Nine Hundred Ninety Two Dollars and Zero Cents (\$13,992.00) from the Reserve Account to the Comptrollers-Payroll Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Transfer the sum of Eleven Thousand Eight Hundred Eighty Six Dollars and Zero Cents (\$11,886.00) from the Reserve Account to the Library-Payroll Account.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the sum of Eleven Thousand Eight Hundred Eighty Six Dollars and Zero Cents (\$11,886.00) from the Reserve Account to the Library-Payroll Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following ye and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of One Hundred Thousand Dollars and Zero Cents (\$100,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) to fund a grant initiative for the FY15 Massachusetts Opioid Abuse Preventative Collaborative. Grant Period 7/1/14 to 6/30/15.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial Order certifying as an "Available Fund" the amount of One Hundred Thousand Dollars and Zero Cents (\$100,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) to fund a grant initiative for the FY15 Massachusetts Opioid Abuse Preventative Collaborative. Grant Period 7/1/14 to 6/30/15.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following ye and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of Hundred Ten Thousand Four Hundred Twenty Eight Dollars and Zero Cents (\$110,428.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) to fund the FY15 SPED 274 Grant. Grant Period 3/10/15 to 8/31/15.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial Order certifying as an "Available Fund" the amount of Hundred Ten Thousand Four Hundred Twenty Eight Dollars and Zero Cents (\$110,428.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) to fund the FY15 SPED 274 Grant. Grant Period 3/10/15 to 8/31/15.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of Two Thousand Two Hundred Twenty Four Dollars and Zero Cents (\$2,224.00) as allotted to the City of Lynn School Department by the Lynn Cultural Council (LLC) to fund LCHS field trip to the Museum of Science-Maya: Hidden Worlds Revealed in April 2015. Grant period 1/1/15 to 6/30/15.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial Order certifying as an "Available Fund" the amount of Two Thousand Two Hundred Twenty Four Dollars and Zero Cents (\$2,224.00) as allotted to the City of Lynn School Department by the Lynn Cultural Council (LLC) to fund LCHS field trip to the Museum of Science-Maya: Hidden Worlds Revealed in April 2015. Grant period 1/1/15 to 6/30/15.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00) as allotted to the City of Lynn School Department by the Lynn Cultural Council (LCC) to fund the Where the Poems Dance: A book for 6th – 8th Graders. Grant Period 1/1/15 to 6/30/15.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial Order certifying as an "Available Fund" the amount of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00) as allotted to the City of Lynn School Department by the Lynn Cultural Council (LCC) to fund the Where the Poems Dance: A book for 6th – 8th Graders. Grant Period 1/1/15 to 6/30/15.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

Certify as an "Available Fund" the amount of One Hundred Ninety Four Thousand Five Hundred Nineteen Dollars and Sixty Nine Cents (\$194,519.69) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety (EPS) to fund a grant initiative for the FY15 Shannon Grant. Grant Period is 1/21/15 to 12/31/15.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial Order certifying as an "Available Fund" the amount of One Hundred Ninety Four Thousand Five Hundred Nineteen Dollars and Sixty Nine Cents (\$194,519.69) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety (EPS) to fund a grant initiative for the FY15 Shannon Grant. Grant Period is 1/21/15 to 12/31/15.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

11 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

11 YES 0 NO

REPORT ACCEPTED.

Report of the March 24, 2015 Committee on Government Administration recommending the following to be accepted:

Ordered that the Director of Assessing be authorized to reorganize the Assessing Department so as to come into compliance with Chapter 8 of the Acts of 1985 and the Lynn City Charter.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to an Order that the Director of Assessing be authorized to reorganize the Assessing Department so as to come into compliance with Chapter 8 of the Acts of 1985 and the Lynn City Charter.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 1 NO (Councilor Lozzi voting NO)

Emergency Order was then adopted by the following yea and nay vote:

9 YES 0 NO (Councilor Cyr and Councilor Lozzi voting PRESENT).

REPORT ACCEPTED.

Report of the March 24, 2015 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

De los Santos, Esmerlin, 17 Hanover St. #3 - **DENY**

Nieves Rodriguez, Christian, 62 Rockway St. #3 – **Granted w/30-60-90 Day Review**

Owens-Finch, Dinesha, 24 Chester Place Apt. #2 - **Tabled**

Ripley, Christian, 24 Linden St. - **Granted**

LIVERY OPERATOR (NEW)

Contreras, Adalgisa, 17 Highland Avenue #1- **Granted (with standard stipulations)**

Estrella, Nacking, 40 Sagamore St. #3 – **Granted (with standard stipulations)**

JUNK DEALER-RENEWAL

1069R Western Ave., Cap's Auto Wrecking, Corp. - **Granted**

FLAMMABLE LICENSE – NEW

91 Commercial St. – Hibernia Atlantic US, LLC- **Granted**

AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

17C Alley St. – Alley Auto Body & Repair- **Granted**

35 Alley St. – Global Auto Body- **Granted**

178 Alley St. – Collision Auto Craft and Repair- **Granted**

22 Bennett St. – Vasquez Auto Body and Repair, Inc. - **Granted**

47 Bennett St. – VEO Auto Body Solutions & Repair, LLC- **Granted**

100 Buffum St. – U.S. Postal Service- **Granted**

10 Camden St. – Iacor Corp. DBA Thibedeau Auto Body- **Granted**

165 Commercial St. – Igor's Auto Body- **Granted**

1117 Western Ave. – Pro-Tech Auto Body & Performance- **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

182 Alley St. – Tom's Taxi Group- **Granted**

15 Avon St. – John's Fuel Service, Inc. - **Granted**

606 Boston St. – Solutions Auto Repair- **Granted**

606 Rear Boston St. – Barry Park Foreign Car Service- **Granted**

106 Chestnut St. – Duran Auto Repair- **Granted**

131 Commercial St. – North Shore Car Rental Corp. - **Granted**

109 Lynnfield St. – R & R American Service Station, Inc. - **Granted**

371 Summer St. – VIP Audio Auto Repair - **Tabled**

233 Western Ave. – Ingram's Service Center- **Granted**

905 Western Ave. – S & S Auto Repair- **Granted**

105 Willow St. – Bill Walsh Auto Repair - **Granted**

OTHER BUSINESS

Councilor Cyr stated that Mr. Jerry's on Essex Street appears to be running a bigger business and that he would like to request ISD to go to the property and check to see if he is running a business without a license and ensure that all proper licenses are up to date. It also came to his attention that he has open court cases and he was told to go to the Court and straighten them out. City Clerk's Office to follow-up.

REPORT ACCEPTED.

Report of the March 24, 2015 Committee on Public Safety and Public Hearing recommending the following to be accepted:

The following individual was re-appointed Constable:

Crittenden Thornton, 31 Burchstead Place, Lynn – **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

NEW BUSINESS:

Presentation by EDIC Director James M. Cowdell

Motion made by Councillor Colucci and seconded by Councillor Crighton to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK